

1 BEFORE THE ARIZONA MEDICAL BOARD

2  
3 In the Matter of

Case No: MD-04-1423

4 CLARENCE E. RODRIGUEZ, M.D.

5 Holder of License No. 14409  
6 For the Practice of Allopathic Medicine  
7 In the State of Arizona.

INTERIM FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
FOR SUMMARY SUSPENSION OF  
LICENSE

8 INTRODUCTION

9 The above-captioned matter came on for discussion before the Arizona Medical  
10 Board ("Board") at a Board meeting on December 2, 2004. After reviewing relevant  
11 information and deliberating, the Board voted to consider proceedings for a summary  
12 action against Clarence E. Rodriguez's ("Respondent") license. Having considered the  
13 information in the matter and being fully advised, the Board enters the following Interim  
14 Findings of Fact, Conclusions of Law and Order for Summary Suspension of License,  
15 pending formal hearings or other Board action. A.R.S. § 32-1451(D).

16 INTERIM FINDINGS OF FACT

17 1. The Board is the duly constituted authority for the regulation and control of  
18 the practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 14409 for the practice of allopathic  
20 medicine in the State of Arizona.

21 3. The Board initiated case number MD-04-1423 on November 22, 2004 after  
22 receiving an anonymous complaint that while on duty at the hospital Respondent smelled  
23 of alcohol and marijuana.

24 4. Board Staff and David Greenberg, M.D., the Board's Contracted Addiction  
25 Medicine Specialist, interviewed Respondent on November 24, 2004. During the

1 interview, Respondent admitted that he had been arrested on or about July 7, 2004 for a  
2 DUI after a police officer smelled marijuana emanating from Respondent's vehicle after  
3 Respondent had stopped to ask for directions. A urine test was performed that tested  
4 positive for marijuana. Respondent did not report this arrest as required by law.

5 5. During the interview Respondent admitted he had relapsed, but denied being  
6 impaired.

7 6. As a result of that interview, Dr. Greenberg recommended that Respondent  
8 undergo evaluation at a Board-approved evaluation facility.

9 7. On December 1, 2004 the Medical Director issued an Interim Order requiring  
10 Respondent to undergo evaluation at a Board-approved evaluation facility.

11 8. On November 30, 2004 Respondent presented at the Betty Ford Center for  
12 inpatient evaluation.

13 9. Respondent was evaluated at the Betty Ford Center ("Center"). A  
14 Preliminary Clinical Diagnostic Evaluation Discharge Summary was received on December  
15 2, 2004. The Center diagnosed Respondent as being impaired and recommended that he  
16 enter chemical dependency treatment followed by a professional monitoring program. It  
17 was also recommended that Respondent discontinue the practice of medicine until  
18 treatment is completed.

19 **Prior Board Actions**

20 10. In October 25, 1988 Respondent entered a Stipulated Rehabilitation  
21 Agreement with the Board for substance abuse.

22 11. On October 13, 1990 Respondent's license was inactivated with cause due  
23 to a relapse.

24 12. On March 13, 1991 Respondent's license was activated and he was placed  
25 on a five-year probation.

1           13.    On October 16, 1993 Respondent's license was inactivated with cause due  
2 to a relapse.

3           14.    On October 22, 1994 Respondent's license was activated and he was placed  
4 on a five-year probation.

5           15.    On August 13, 1998 Respondent's probation was terminated.

6           16.    The facts as presented demonstrate that the public health, safety or welfare  
7 imperatively requires emergency action.

8                           **INTERIM CONCLUSIONS OF LAW**

9           1.     The Board possesses jurisdiction over the subject matter hereof and over  
10 Respondent, holder of License No. 14409 for the practice of allopathic medicine in the  
11 State of Arizona.

12          2.     The conduct and circumstances described above constitute unprofessional  
13 conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol  
14 or habitual substance abuse.")

15          3.     The conduct and circumstances described above constitute unprofessional  
16 conduct pursuant to A.R.S. § 32-1401(27)(g) ("[u]sing controlled substances except if  
17 prescribed by another physician for use during a prescribed course of treatment.")

18          4.     The conduct and circumstances described above constitute unprofessional  
19 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be  
20 harmful or dangerous to the health of the patient or public.")

21          5.     The conduct and circumstances described above constitute unprofessional  
22 conduct pursuant to A.R.S. § 32-1401(27)(a) ("[v]iolating any federal or state laws, rules or  
23 regulations applicable to the practice of medicine.") Specifically, A.R.S. § 32-3208 ("[a]  
24 health professional who has been charged with a misdemeanor involving conduct that may  
25 affect patient safety or a felony after receiving or renewing a license or certificate must

1 notify the health professional's regulatory board in writing within ten working days after the  
2 charge is filed.")

3 4. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the  
4 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-  
5 1451(D).

6 **ORDER**

7 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth  
8 above,

9 **IT IS HEREBY ORDERED THAT:**

10 1. Respondent's license to practice allopathic medicine in the State of Arizona,  
11 License No. 14409, is summarily suspended pending a formal hearing before a hearing  
12 officer from the Office of Administrative Hearings.

13 2. The Interim Findings of Fact and Conclusions of Law constitute written notice  
14 to Respondent of the charges of unprofessional conduct made by the Board against him.  
15 Respondent is entitled to a formal hearing to defend these charges as expeditiously as  
16 possible after the issuance of this order.

17 3. The Board's Executive Director is instructed to refer this matter to the Office  
18 of Administrative Hearings for scheduling of an administrative hearing to be commenced  
19 as expeditiously as possible from the date of the issuance of this order, unless stipulated  
20 and agreed otherwise by Respondent.

1 DATED this 7<sup>th</sup> day of December, 2004.

2 ARIZONA MEDICAL BOARD

3  
4 (SEAL)



5 By:

*Barbara Kane*

6 Barbara Kane  
7 Assistant Director

8 ORIGINAL of the foregoing filed this  
9 7<sup>th</sup> day of DECEMBER, 2004, with:

10 The Arizona Medical Board  
11 9545 E. Doubletree Ranch Road  
12 Scottsdale, AZ 85258

13 Executed copy of the foregoing mailed by Certified  
14 Mail this 7<sup>th</sup> day of DECEMBER, 2004, to:

15 Clarence E. Rodriguez, M.D.  
16 Address of Record

17 Executed copy of the foregoing mailed by First  
18 Class mail this 7<sup>th</sup> day of DECEMBER, 2004, to:

19 Dean Brekke  
20 Assistant Attorney General  
21 Arizona Attorney General's Office  
22 1275 West Washington, CIV/LES  
23 Phoenix, AZ 85007

*Shirley Nicholson*

24 Executed copy of the foregoing hand-delivered  
25 this \_\_\_\_\_ day of \_\_\_\_\_, 2004, to:

Clarence E. Rodriguez, M.D.